

DISTRICT COURT  
WRIT COMPLAINT (Rev. 05/2015)

2018

ERN DIST. OF TEXAS

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
THIR DIVISION

HATCH KARL CROSS #0199800

Plaintiff's Name and ID Number

MARSHAL MICHAEL UNIT

Place of Confinement

CASE NO. 6:18CV276 RWS-JDL  
(Clerk will assign the number)

v.

(Sergeant) Ms. Mable G. Sunkat - 2664 F.M. 2054, Michael unit, Tennessee Colony, TX 75886  
Defendant's Name and Address

(C/O III) Mr. Michael O. Cashel - 2664 F.M. 2054, Michael unit, Tennessee Colony, TX 75886  
Defendant's Name and Address

(C/O III) Mr. Houston Jackson - 2664 F.M. 2054, Michael unit, Tennessee Colony, TX 75886  
Defendant's Name and Address  
(DO NOT USE "ET AL.")

**INSTRUCTIONS - READ CAREFULLY**

**NOTICE:**

**Your complaint is subject to dismissal unless it conforms to these instructions and this form.**

1. To start an action you must file an original and once copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 8, Federal Rules of Civil Procedure Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and once copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

## FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of \$400.00
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this even you must complete the application to proceed *in forma pauperis*, setting forth information to establish you inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of you inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at you prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or a initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from you inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send you complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

## CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

### I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? \_\_\_ YES ☒ NO
- B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
  1. Approximate date of filing lawsuit: \_\_\_\_\_
  2. Parties to previous lawsuit:  
Plaintiff(s) \_\_\_\_\_  
Defendant(s) \_\_\_\_\_
  3. Court: (If federal, name the district; if state, name the county.) \_\_\_\_\_
  4. Cause number: \_\_\_\_\_
  5. Name of judge to whom case was assigned: \_\_\_\_\_
  6. Disposition: (Was the case dismissed, appealed, still pending?) \_\_\_\_\_
  7. Approximate date of disposition: \_\_\_\_\_

II. PLACE OF PRESENT CONFINEMENT: MARK W. MICHAEL UNIT

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure?

☒ YES ☐ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: MR. ASHICK KAREL CROSS #01779800

2664 F.M. 2054, MICHAEL UNIT, TENNESSEE COLONY, TX 75886

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: (Sgt) MS. MOORE G. SMITH, 2664 F.M. 2054 MICHAEL UNIT

TENNESSEE COLONY, TX 75886

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

She used excessive retaliation use of force and denied me proper medical help suffering physical injury.

Defendant #2: (C/O III) MR. MICHAEL O CASTEL, 2664 F.M. 2054, MICHAEL UNIT

TENNESSEE COLONY, TX 75886

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

He caused physical injury, suffering, & emotional distress, excessive sexual force & retaliation.

Defendant #3: (C/O III) MR. HOUSTON JACKSON, 2664 F.M. 2054, MICHAEL UNIT,

Tennessee Colony, TX 75886

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

He used excessive force, sexual assaulted me, retaliated against me my anus & testicles my cell. He also punched me in my face and choked me.

Defendant #4: (Lt) MR. DEREK W. LIGHT, 2664 F.M. 2054, MICHAEL UNIT

Tennessee Colony, TX 75886

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He denied me medical help deliberate indifference to medical need & retaliation, suffering, distress emotional injury.

Defendant #5: (Lt) MR. MATTHEW L. BENTON, 2664 F.M. 2054, MICHAEL UNIT,

Tennessee Colony, TX 75886

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He used unnecessary excessive use of force with the 40 mm gas gun shooting twice Emotional Distress, suffering & retaliation.

## V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

Ad seg by head on my back to the view so I resisted way yelling squeezed them I WAS sexually assaulted in my cell after my use of force in 2 Section dayroom C-pod, 12 building Mr. Michael O. Casteel C/O III & Mr. Houston Jackson C/O III. They brought me to cell C-28 cell 3/12/18 and hit me bunk busting my left behind ear open, then on my ~~stomach~~ back they both straddled me with their backs to the camera Ms. Gonzales was holding. I instantly felt a sharp pain in my anus and I looked back to view MR. Casteel was holding my cuffs and Mr. Jackson ramming his fingers into my anus thru my Gym shorts so I resisted to make them stop. I turned over onto my back and scooted under my bed slapping their hands way yelling get off me very loudly for the camera to hear my pleas. Then Mr. Casteel grabbed my testicles and squeezed them and I continued to slap their hands away screaming stop! Get off me. Then they sprayed me fully with the big canister of O/C pepper spray in my cell afterwards. I then exited.

## VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I want two-hundred fifty thousand dollars, I want injury money damages for denying me medical help for these 8 unbearable days being denied my high blood pressure medicine and body injury, suffering emotional distress. Give me back all my legal papers.

## VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

SHEEK, Sheikh, Ashick

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

2008 to 2010 Discharge 3 yrs TDCJ was #1543477 - now it's #1779800

## VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ☐ YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): \_\_\_\_\_

2. Case number: \_\_\_\_\_

3. Approximate date sanctions were imposed: \_\_\_\_\_

4. Have the sanctions been lifted or otherwise satisfied? ☐ YES ☐ NO

on 3/12/18 10 AM I spit on MS. gomillion in C-Pod 2 section day room. I left and  
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MR. Aguilar & MR. Jackson came to talk to me, I spit on MR. Jackson. They left and MR. Casteel  
and Seargent MS. sweat came. I spit on both them then the exact same people including  
MS. sweat came to do my major use of force, MR. Benton shot the gun once and I moved  
towards the dayroom toilet and MS. sweat retaliated on me by spraying me with O/C gas,  
then MR. Benton shot the gas gun the 2nd time at me. Then the use of force team, such  
as MR. Casteel, MR. Jackson, MR. Aguilar, MR. Forshage, & MS. Martin entered the dayroom by  
the toilet MR. Jackson being the shield holder hit me with the shield and Casteel blocked the  
camera from me and MR. Jackson punched me along with MR. Casteel and MR. Jackson got  
on top of me choking me out till I lost conscious and passed out. I woke up to walk minutes  
later to the infirmary being escorted and I was being roughly handled so they put me on a  
Gurney and took me to the 10 building infirmary which the male nurse refused to check  
my bodily injuries and said I was spitting on them then they put a mask over my face, then  
the sexual assault occurred in my cell with MR. Casteel & MR. Jackson. The same male  
nurse slid a incident report of use of force in my cell. I told him my back hurts badly, my  
back left here is def an swollen badly as I couldn't see to view my busted back ear, but later on  
it was dry blood on my neck, shoulder and hands. And I told them my eyes burning I can't see  
Please decontaminate me. They left me in my cell for 8 days with showering me or giving  
me medical assistance. They took all my property out my cell. And kept the same officer on  
my C-Pod ~~and I~~ I spit on MS. gomillion did not feed me. Then she worked 3/13/18 to  
not feed me again as my witness I have is the 3/13/18 camera 2-section C-Pod when all  
this occurred. I asked both shifts to take me to the infirmary because my testicles were swollen  
and my anus I couldn't sit on my buttox for 3 days properly. I was urinating blood and I  
cried for help. They denied to give me my K.O.P High blood pressure pills for 9 days. They ain't  
give me sick call's. They left me in my cell unhelped as my witness is the C-Pod camera  
from 3/12/18 to 3/19/2018 when I was given half my property back my trial transcripts all my  
legal work missing. Radio, Fan, Family Photos & Letters.

(First Allegation)

V. STATEMENT OF CLAIM (Page 4)

Continuation

Signature: Ashick Kattel Cross #1778888

Date: 3/20/2018

Michael Unit

Another Claim

MS. Tiffany A. Roach C/O I needed my high blood Pressure K.O.P's the UOF team took out my Cell 3/12/18. And I was very weak, light headed and my left arm was going numb. It occurred at 11:50 a.m. MS Roach did attempt to seriously help me by reporting immediately on her radio for Rank & Medical Nurses to report to C-Pod 28 cell. Then nobody showed up and she took off downstairs and went directly to 12 building C-Pod nurse station and told nurse MS. Yarbrough. MS. Yarbrough told her to get me pulled out immediately. And MS. Roach approached my Cell for the 2nd time. I told her I haven't been decontaminated from 3/12/18 U.O.F. gas and I haven't been given my High blood Pressure medicine Loratadine in 6 days Cause MS. sweat told all ranks I spit on her don't help me. So it's been 6 days then denying me medical attention. Violating my Right 8th Amend. I was now crying begging on the floor to help me. She then called (Lt) MR. Derr light on her radio and he approached my Cell door calling me a little Punk and to not pull me out for nothing. I then passed out moments after MS Roach and light refused to help me. At 5:40 ish I woke up in a puddle of urine and screamed at the top of my lungs for help. MS. Roach then called Lt. light the 2nd time on her radio. He showed up again and I screamed for him to help me I couldn't feel my left arm. He then told me im talking im not dying and he left refusing me Medical attention. As I felt very sick and unconscious. I kept telling MR. light when he was at my Door cell 28 C-Pod my Chest hurts and my left arm was numb. He deliberately denied me any medical help. I sent a Sickcall 3 same day 3/13/18/ then 2 each day after the 3/13/18. They left me in my Cell with gas, gassed clothes in bad health condition without my HBP medice for 8 day. My High Blood Pressure came have taken on a stroke. For MR. Light, MS. Roach & nurse MS. Yarbrough deliberate indifference, My 8th Amend Right Violation. And it exposed me to an unreasonable risk of serious harm by a stroke happening.

(Last Allegation)

V. Statement of Claim (Page 4)

Continuation

Signature: Ashick Katrel Cross #17719900

Date 3/20/18

Michael Unit

C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_ YES \_\_\_\_ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued.  
(If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): \_\_\_\_\_
2. Case number: \_\_\_\_\_
3. Approximate date warning was issued: \_\_\_\_\_

Executed on: \_\_\_\_\_  
DATE

\_\_\_\_\_  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments hereto are true and correct/
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 11<sup>th</sup> day of June, 20 18.  
(Day) (month) (year)

Abhick Patel Cross

\_\_\_\_\_  
(Signature of Plaintiff)

**WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.**